

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

YOSONIO LEWIS,  
Plaintiff,

v.

DANIEL KIRRANE,  
Defendant.

Case No. [15-cv-02051-DMR](#)

**ORDER REMANDING CASE**

On May 6, 2015, Defendants removed this case after Plaintiff added a federal cause of action to his state court lawsuit. *See* Docket No. 1. In his August 28, 2015 Amended Complaint, Plaintiff abandoned his federal claim, which prompted Defendants to file a motion to dismiss the suit for lack of jurisdiction. *See* Docket Nos. 23, 26. In his opposition, Plaintiff does not contend that the court has subject matter jurisdiction because the case involves federal questions or because the parties are diverse; instead, Plaintiff urges the court to exercise its discretion and remain supplemental jurisdiction over the remaining state law claims pursuant to 28 U.S.C. § 1967. *See* 28 U.S.C. § 1367(c)(3) (“The district courts *may* decline to exercise supplemental jurisdiction over a claim . . . if . . . the district court has dismissed all claims over which it has original jurisdiction.”) (emphasis added); *Carlsbad Tech., Inc. v. HIF Bio, Inc.*, 556 U.S. 635, 639 (2009) (“A district court’s decision whether to exercise [supplemental] jurisdiction after dismissing every claim over which it had original jurisdiction is purely discretionary.”).

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1           The case is still at the pleadings stage and the court has issued a ruling on only one discrete  
2 issue unrelated to the merits. The court therefore declines to exercise supplemental jurisdiction  
3 over the remaining claims and orders that the case be **remanded** to the Superior Court for the  
4 County of San Francisco.

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6           **IT IS SO ORDERED.**

7 Dated: September 16, 2015



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Donna M. Ryu  
United States Magistrate Judge